

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

SHELBY NASH HUNTER,  
DOUGLAS DARKO, TERRI  
SEARSDODD, JEREMIAH  
DOWELL, individually and on behalf  
of all others similarly situated,

Plaintiffs,

vs.

BENEFIS HEALTH SYSTEM, INC.,  
BENEFIS HOSPITALS, INC.,  
BENEFIS MEDICAL GROUP, INC.,  
KALISPELL REGIONAL MEDICAL  
CENTER, INC. (a/k/a “LOGAN  
HEALTH,” KALISPELL REGIONAL  
HEALTHCARE”), MAGELLAN  
RESOURCE PARTNERS, LLC (a/k/a  
“MEDEQUITY,” “MEDEQUITY,  
INC.” AND “MEDEQUITY CORP.”),  
MEDEQUITY CORPORATION, and  
DOES 1-50,

Defendants.

**CV-21-92-GF-BMM**

**QUALIFIED PROTECTIVE  
ORDER AND  
DISCOVERY ORDER**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, 45 C.F.R. §  
164.512(e)(1), and the consent of the Parties, and for good cause showing,

**ORDER**

**IT IS HEREBY ORDERED** that

1. This qualified protective order covers two emails: March 14, 2022, 3:08 p.m. email from [claimsprocessing@medequity.com](mailto:claimsprocessing@medequity.com) to Mark Hess and the March 14, 2022, 4:43 p.m. email from Mark Hess to Patty Harris (the “Confidential Emails”). The Confidential Emails contain protected health information as that term is defined in 45 C.F.R. §§ 160.103 and 164.501. This protective order is intended to be a qualified protective order under the Health Insurance Portability and Accountability Act of 1996. The defendants believe the Confidential Emails also contain confidential business information otherwise protected from disclosure pursuant to a contractual agreement. Plaintiffs do not agree.
2. The parties and their attorneys, and any future parties and their attorneys, in the above-captioned litigation are hereby authorized to receive, subpoena and transmit the Confidential Emails.
3. All “covered entities” (as defined by 45 C.F.R. § 160.103) are hereby authorized to disclose the Confidential Emails to attorneys representing Plaintiff and Defendants in the above-captioned litigation.
4. The parties and their attorneys shall not be permitted to use or disclose the Confidential Emails or any information contained therein, including all protected health information, except to the persons set forth in this paragraph and for purposes of prosecuting or defending this action,

including any appeals of this case. The Confidential Emails can be disclosed to the Parties' attorneys, experts, and consultants, copy services, and trial consultants. The Confidential Emails can also be disclosed to court personnel and court reporters.

5. Prior to disclosing the Confidential Emails to persons involved in this litigation, counsel shall inform each such person that the information contained in the Confidential Emails may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving the Confidential Emails do not use or disclose such information for any purpose other than this litigation.
6. Within 45 days after the conclusion of the litigation, including appeals, the parties, their attorneys, and any person or entity in possession of the Confidential Emails received from counsel pursuant to paragraph four of this Order, shall return the Confidential Emails to the covered entity or destroy any and all copies of the Confidential Emails, except that counsel are not required to secure the return or destruction of copies of the Confidential Emails submitted to the court.
7. This Order does not control or limit the use of the protected health information that comes into the possession of the parties or their attorneys

from a source other than a “covered entity,” as that term is defined in 45 C.F.R. § 160.103.

8. If any Party submits the Confidential Emails to the Court, the submitting Party shall file them under seal. The Court will make a good cause determination for filing under seal if and when the parties seek to file the Confidential Emails under seal.
9. Defendants Benefis Health System, Inc.’s, Benefis Hospitals, Inc.’s, and Benefis Medical Group, Inc. shall produce to Plaintiffs the Confidential Emails within 48 hours of the entry of this Order.

**DATED** this 18th day of December, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court